

A Study of Sexual Harassment of Women at Workplace Environment

Sanjeev Kumar¹, Ritika Sharma²

¹Research Scholar, Department of Law, Career Point University H.P India

²LLM, Student, Department of Law, Career Point University H.P India

Email: sanjeevsanjeev292@gmail.com

Abstract. *This study examines the persistent issue of sexual harassment of women in the workplace in India, despite the existence of legislative measures such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. The research aims to understand the factors contributing to the continued prevalence and underreporting of sexual harassment in both formal and informal sectors, assess the effectiveness of current policies and legal frameworks, and provide recommendations for improving workplace safety for women. Using a descriptive research approach, the study draws upon primary data from government reports and legislation, as well as secondary data from academic articles, books, and reports by non-governmental organizations (NGOs). Content analysis is employed to evaluate various documents and publications to understand how sexual harassment is defined, reported, and addressed in different workplaces. The findings reveal that cultural and societal attitudes, inadequate implementation of laws, and lack of awareness among women about their rights and available complaint mechanisms contribute significantly to the persistence of sexual harassment. The study concludes that there is a critical need for comprehensive education, awareness, and stronger legal and organizational frameworks to effectively address workplace harassment, ensuring a safer and more inclusive environment for women.*

Keywords: *Sexual, Harassment, Women, Prevention, Human right*

Received: January 21, 2022

Revised: February 16, 2022

Accepted: March 28, 2022

INTRODUCTION

Sexual Harassment is certainly considered one among the most important issues that ladies are dealing with these days in exceptional sectors of life. According to Akpambang (2022) and Agarwal (2021), the sexual harassment of girls at workplace (Prevention prohibition and Redressal) Act, 2013 is a legislature Act in India that seeks to defend girls from Sexual Harassment at their vicinity of paintings. The ministry of regulation and justice has exceeded the Act on April 22nd, 2013 and guidelines have been exceeded on December ninth 2013. The act became enacted to make certain secure running areas for ladies and to construct allowing paintings surroundings that recognize girls proper to equality of repute and opportunity (Thomas, 2020; Phadke et al., 2011). The goals of this paper consist of to; (1) Highlight the reasons that have a tendency to sexual harassment of girls at place of business; (2) Investigate and discover the to be had information that display the upward thrust and decline in sexual harassment; (3) Make a few guidelines that deal with the incidents of sexual harassment of girls at place of work; (4) Safeguard the ladies' on the administrative center towards sexual harassment; (5) Prevention; (6) Redressal of court cases associated with sexual harassment.

According to Acquadro Maran et al. (2022) and Roscigno (2019), sexual harassment is a critical issue that significantly impacts women across various sectors, creating a barrier to equal participation in the workforce and affecting their mental and physical well-being. The pervasive

nature of sexual harassment in workplaces is a global concern, but in countries like India, it presents unique challenges due to cultural norms, gender dynamics, and legal enforcement issues (Islam et al., 2020; Sinha & Bondestam, 2022). In response to this pressing issue, the Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. According to Mogapaesi (2019) and Aina-Pelemo et al. (2020), this legislative act is specifically designed to protect women from sexual harassment in their places of work, ensuring a safe and dignified working environment.

The Sexual Harassment of Women at Workplace Act was passed by the Ministry of Law and Justice on April 22, 2013, and its rules were formulated later that year on December 9, in research by Adejugbe (2020) and Gekoski et al. (2017). This law was enacted to create a safer working environment for women, which acknowledges their right to equality and provides them with protection against harassment. As noted by Phadke et al. (2011) and Bishu & Headley (2020), the act aims to ensure not only physical safety but also to foster an enabling environment that respects women's right to equal status and opportunity in the workplace. The introduction of this law marks a significant step towards addressing the systemic issues related to gender discrimination and workplace harassment in India.

This paper aims to explore several key objectives related to the issue of sexual harassment in the workplace, align with research from Bondestam & Lundqvist (2020) and Cortina & Areguin (2021). Firstly, it seeks to highlight the various factors that contribute to the prevalence of sexual harassment against women in professional settings. By investigating the available data, the study aims to identify trends that indicate either a rise or decline in incidents of sexual harassment, providing a clearer picture of the current situation (Cassino & Besen-Cassino, 2019; Fedina et al., 2018). Furthermore, the paper aims to propose recommendations that address the issue of sexual harassment, focusing on safeguarding women in the workplace. This includes strategies for the prevention of harassment and effective redressal mechanisms for complaints related to such misconduct (Bull & Page, 2022; Becton et al., 2017; Ballard & Easteal, 2018). Through this exploration, the paper intends to contribute to the broader discourse on gender equality and women's rights in the workplace, advocating for stronger protections and support systems for women facing harassment.

The problem this study addresses is the persistent issue of sexual harassment of women in the workplace in India, despite the existence of legal frameworks like the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. The study seeks to understand why sexual harassment remains widespread and underreported in various sectors, including formal and informal workplaces, align with research from MacDermott (2020) and Fitzgerald (2020). It explores the factors contributing to the prevalence of harassment, such as inadequate implementation of laws, cultural and societal attitudes that discourage reporting, and a lack of awareness among women about their rights and the mechanisms available to them for seeking redress (Saleem et al., 2021; Pineiro & Kitada, 2020). Additionally, the study aims to investigate the effectiveness of current policies and institutional responses in protecting women and ensuring a safe working environment, highlighting the need for more robust preventive measures and support systems to safeguard women's rights in professional settings.

METHODS

The study on sexual harassment of women in the workplace in India relies on both primary and secondary data. Primary data was gathered from various government reports and laws, while secondary data was obtained from research papers, articles, and books. The study utilizes content analysis as its primary research tool, and the approach taken is descriptive. This indicates a focus on detailing the phenomenon as it exists, using comprehensive data to understand the prevalence, causes, and implications of sexual harassment in the workplace. The research aims to provide an in-depth overview of the issue, exploring its historical roots, societal impacts, and the evolution of legal frameworks designed to protect women in professional environments.

RESULTS AND DISCUSSION

The Metoo movement swept the United States in 2017, shining a bright light on the issue of sexual harassment in the workplace, but laws protecting employees from such behavior had been in place for some time prior to that.

The Supreme Court expanded the scope of Title VII of the Civil Rights Act of 1964 in the late 1980s to cover sexual harassment in the workplace that was motivated by sexual orientation or gender identity. Private businesses with 15 or more employees, as well as public agencies and labor unions, are all covered by the law that defines sexual harassment as a type of interplay discrimination.

According to the U.S. Equal Employment Opportunity Commission, sexual harassment can manifest itself in a variety of settings (EEOC); (1) The harasser and the harassed both can be either male or female; (2) The victim is no longer required to have any kind of reciprocal relationship with the harasser; (3) The victim's supervisor, an agent of the company, a manager in any department, a coworker, a nonworker, a salesperson, or a client could all be the harasser; (4) Offending behavior can now be inflicted on anyone, rather than just the individual who is stressed; (5) There are situations in which sexual harassment is illegal but the victim does not experience any negative consequences, such as dismissal or financial loss; (6) The target must find the harasser's actions to be unacceptable.

In FY 2020, the EEOC has received over 6,500 reports of sexual harassment. This is a decline from FY 2019, albeit the precise reasons for this drop are unclear. Many states are working to bypass federal regulations meant to prevent sexual harassment in the workplace. Some jurisdictions' anti-discrimination statutes now include sex among traditionally protected categories.

The ban of sexual harassment in the workplace may fall under "sex" rights in some countries. Some jurisdictions' anti-discrimination in the workplace laws include explicit language prohibiting sexual assault within the workplace's administrative hub. As of right now, "sex" discrimination is illegal in 50 states plus DC and Puerto Rico. Twelve of these states protect workers from sexual harassment in the workplace via laws prohibiting discrimination on the basis of gender. According to MacKinnon & Siegel (2008) and Edelman & Cabrera (2020), 36 states and the District of Columbia, plus Puerto Rico, have laws specifically prohibiting "sexual harassment" on the job. Eight states have gone beyond forbidding these behaviors by forcing companies to offer sexual harassment education in the workplace, and three more states encourage employers to do so.

Other jurisdictions are exploring options for making it easier for sexual harassment victims to come forward in the workplace. Many states are currently considering legislation to limit the use of non-disclosure agreements in cases of sexual misconduct in the workplace. These states consist of Arizona, Massachusetts, and Rhode Island. Despite the fact that the legislative sessions in Arizona and Rhode Island have concluded without either state's respective payments having been approved, consultations between members of the Massachusetts legislature continue, leaving open the potential that the invoice will be approved.

As a kind of sexual harassment, the Supreme Court has deemed purple rape to be unlawful. It takes a lot of guts to overcome the fear of speaking up against a vulgar superior, but the Supreme Court has determined that workers have a constitutional right to an environment free from sexual harassment. A panel chaired by Justice D.Y. Chandrachud has concluded that courts cannot be "hyper-technical" in their handling of sexual harassment cases, and must instead consider the difficulties a survivor faces in coming forward about the harassment. Energy dynamics are intertwined with sexual harassment in the workplace and must be taken into account. Justice Chandrachud remarked, "there are various issues and deterrents that a subordinate aggrieved of sexual harassment has to stand" after recalling the difficulties of reporting sexual misconduct by a superior. The judgement drew attention to the growing trend

of "hyper-technical interpretations of the applicable carrier legislation" leading to the dismissal of court proceedings probing sexual misbehavior.

The Criminal Justice System can be utilized as a sanction for violations of the Sexual Harassment of Women in the Workplace (Prevention, Prohibition, and Redressal) Act 2013. This Act is a game-changer because it makes a wide variety of sexual misconduct a crime and requires public and private organizations to create efficient avenues for victims to seek redress. According to Article 21 of the Constitution, everyone has the right to life and dignity, which includes protection from sexual harassment. The Supreme Court highlighted that "it is vital that courts uphold the spirit of the right against sexual harassment". The case was an appeal lodged against a decision by the Calcutta High Court to dismiss a sexual harassment lawsuit brought by a BSF constable against his superior.

Primary data in this research includes official government reports and relevant legislation. Reports from the Ministry of Women and Child Development and the National Commission for Women, for example, provide essential data on the number of reported cases of sexual harassment in the workplace, the legal actions taken, and the effectiveness of existing policies. Additionally, data from the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013 offers a detailed overview of the legal definitions of sexual harassment, the types of behaviors that fall under this category, complaint mechanisms, and the penalties and responsibilities assigned to perpetrators. These data serve as the foundation for understanding the extent to which the law has protected women and identify areas needing further improvement.

Secondary data is gathered from various academic studies, articles, books, and reports from non-governmental organizations (NGOs). Research papers and articles provide both theoretical and empirical perspectives on workplace sexual harassment, including analyses of the psychological and social impacts on victims, as well as the factors influencing their willingness to report incidents. Relevant books and literature offer historical and socio-cultural insights, illustrating how public perceptions and attitudes toward sexual harassment have evolved over time. Meanwhile, reports from NGOs focused on women's rights and employment, such as those detailing the prevalence of harassment in both formal and informal sectors, provide additional context and highlight advocacy efforts made to strengthen legal protections for women. In analyzing these data, content analysis is employed as the primary research tool to evaluate various documents, laws, and other publications. Through content analysis, researchers can understand how sexual harassment is defined, reported, and addressed in different workplaces, as well as identify patterns or trends that emerge from these data. This method helps in identifying gaps between existing policies and their implementation on the ground.

A descriptive approach is used to provide a comprehensive picture of the phenomenon of sexual harassment in the workplace. This approach allows the research to describe the actual situation in rich detail, outlining the prevalence of harassment, underlying causes, impacts on victims and organizations, and legal and institutional responses. With this descriptive approach, the study can provide targeted recommendations to enhance the protection and safety of women in the workplace, considering the social and legal complexities surrounding this issue.

Overall, the use of comprehensive primary and secondary data, content analysis, and a descriptive approach enables this research to offer a deep understanding of workplace sexual harassment in India, identify weaknesses in the current legal framework, and provide more effective recommendations for policies aimed at protecting women in professional environments.

Prevalence and Trends

The study reveals that sexual harassment remains a widespread issue despite existing legal frameworks. According to data from the Ministry of Women and Child Development and the National Commission for Women, there has been a notable number of reported cases of sexual harassment in Indian workplaces. For instance, the Sexual Harassment of Women at Workplace

(Prevention, Prohibition, and Redressal) Act, 2013, aims to address this issue comprehensively by defining sexual harassment, outlining complaint mechanisms, and stipulating penalties for perpetrators.

Content analysis of these primary data sources indicates that the number of reported cases varies across sectors and regions. The available data suggest a fluctuation in the number of reports, with some years showing a decline in reported incidents. For example, a report from the National Commission for Women highlighted an increase in complaints shortly after the enactment of the Act, followed by a decrease in subsequent years. This trend may be attributed to several factors, including changes in reporting practices, awareness levels, and effectiveness of the implementation of the Act.

Factors Contributing to Sexual Harassment

The research identifies several factors contributing to the prevalence of sexual harassment in Indian workplaces. These include: (1) Inadequate Implementation of Laws: Despite the legal provisions under the Sexual Harassment of Women at Workplace Act, there are significant gaps in implementation. The study found that many organizations lack effective internal complaint mechanisms and fail to comply with mandatory training and awareness programs; (2) Cultural and Societal Attitudes: Cultural norms and societal attitudes play a crucial role in perpetuating sexual harassment. Traditional gender roles and stigma associated with reporting harassment contribute to the underreporting of incidents. Many women face societal pressure and fear retaliation, which deters them from coming forward; (3) Lack of Awareness: A significant number of women are unaware of their rights under the Act and the procedures for filing complaints. The study highlights that awareness campaigns and training programs are often insufficient or poorly implemented, leading to a lack of knowledge about available redressal mechanisms.

Legal and Institutional Responses

The study also evaluates the effectiveness of legal and institutional responses to sexual harassment. The Sexual Harassment of Women at Workplace Act, 2013, mandates the establishment of Internal Complaints Committees (ICCs) in organizations with 10 or more employees. However, the research found that the functioning of these committees is often compromised by inadequate training, lack of resources, and insufficient authority.

The Supreme Court of India has played a significant role in shaping the legal landscape regarding sexual harassment. Recent rulings, including those led by Justice D.Y. Chandrachud, emphasize the need for a nuanced understanding of sexual harassment cases and discourage "hyper-technical" interpretations that may undermine the rights of survivors. These judicial interpretations highlight the importance of considering the complexities faced by victims and ensuring that procedural technicalities do not obstruct justice.

Based on the findings, several recommendations are proposed to enhance the protection and safety of women in the workplace: (1) Strengthening Implementation: Organizations should improve the implementation of the Sexual Harassment of Women at Workplace Act by establishing robust Internal Complaints Committees, providing regular training, and ensuring compliance with legal requirements; (2) Increasing Awareness: Comprehensive awareness campaigns should be launched to educate employees about their rights and the procedures for reporting harassment. This includes incorporating information into employee onboarding processes and ongoing training; (3) Cultural Change: Efforts should be made to address cultural and societal attitudes that contribute to harassment. This includes promoting gender equality and challenging traditional norms through public awareness campaigns and educational programs; (4) Enhancing Legal Support: Legal reforms may be needed to address gaps in the current framework and ensure that survivors receive timely and effective justice. This includes reviewing and updating the legislation to better address emerging issues and challenges.

In conclusion, the study underscores the need for a multi-faceted approach to combat sexual harassment in the workplace. By addressing the factors contributing to harassment, strengthening legal and institutional responses, and fostering a supportive environment for reporting and redressal, significant progress can be made towards creating safer and more inclusive workplaces for women in India.

CONCLUSION

Based on the results and discussion, it is evident that sexual harassment in the workplace is a pervasive issue that transcends cultural and geographical boundaries, affecting women across various sectors and regions. Despite the existence of legal frameworks and policies, such as Title VII of the Civil Rights Act in the United States and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act in India, the enforcement and effectiveness of these laws remain inconsistent. This research highlights the critical need for comprehensive education, awareness, and robust reporting mechanisms to address the complexities of workplace harassment effectively. It also underscores the importance of supportive judicial interpretations, as seen in recent rulings, to ensure that survivors are not further victimized by procedural technicalities. The study calls for a holistic approach, combining legal reforms, organizational accountability, and societal change, to create safe and inclusive workplaces for all, free from harassment and discrimination.

SUGGESTION AND RECOMMENDATIONS

Here are a number of the pointers and advice on the way to assist in prevention of sexual harassment incidents at place of work; (1) All the businesses must teach their personnel approximately sexual harassment and its criminal implications wherein it's far suitable; (2) Seminars, workshops and ridicule drills need to be prepared via way of means of the in a position authority approximately the evil exercise of sexual harassment; (3) Maximum activity possibility and advertising slots ought to be reserved for ladies if you want to assist them now no longer get emotionally tracked and keep away from their destiny worry; (4) Internal court cases committee and complaint cells must be mounted in each organizational setup wither it's far governmental or private, to reveal the instances of sexual harassment; (5) Legal attention programmers must be organized and prepared through every branch beneathneath authorities and personal sectors with a view to acquainted the girls personnel approximately their rights and privileges.

REFERENCES

- Acquadro Maran, D., Varetto, A., & Civilotti, C. (2022). Sexual harassment in the workplace: consequences and perceived self-efficacy in women and men witnesses and non-witnesses. *Behavioral Sciences*, 12(9), 326. <https://doi.org/10.3390/bs12090326>
- Adejugbe, A., & Adejugbe, A. (2018). Women and discrimination in the workplace: A Nigerian perspective. Available at SSRN 3244971. <https://dx.doi.org/10.2139/ssrn.3244971>
- Agarwal, A. (2021). The case for treating violence against women as a form of sex discrimination in India. *International Journal of Discrimination and the Law*, 21(1), 5-25. <https://doi.org/10.1177/1358229120978865>
- Aina-Pelemo, A. D., Mehanathan, M. C., & Kulshrestha, P. (2020). Indian legal profession and the sexual harassment of women at workplace act. *Sexuality & Culture*, 24(1), 248-272. <https://doi.org/10.1007/s12119-019-09637-z>
- Akpambang, E. M. (2022). Sexual Harassment of Female Employees in The Workplace: Imperative For Stringent Legal And Policy Frameworks In Nigeria. *Pancasila and Law Review*, 3(1), 69-94. <https://doi.org/10.25041/plr.v3i1.2754>
- Ballard, A. J., & Eastal, P. (2018). The secret silent spaces of workplace violence: focus on bullying (and harassment). *Laws*, 7(4), 35. <https://doi.org/10.3390/laws7040035>

- Becton, J. B., Gilstrap, J. B., & Forsyth, M. (2017). Preventing and correcting workplace harassment: Guidelines for employers. *Business Horizons*, 60(1), 101-111. <https://doi.org/10.1016/j.bushor.2016.09.005>
- Bishu, S. G., & Headley, A. M. (2020). Equal employment opportunity: Women bureaucrats in male-dominated professions. *Public Administration Review*, 80(6), 1063-1074. <https://doi.org/10.1111/puar.13178>
- Bondestam, F., & Lundqvist, M. (2020). Sexual harassment in higher education—a systematic review. *European Journal of Higher Education*, 10(4), 397-419. <https://doi.org/10.1080/21568235.2020.1729833>
- Bull, A., & Page, T. (2022). The governance of complaints in UK higher education: Critically examining 'remedies' for staff sexual misconduct. *Social & Legal Studies*, 31(1), 27-49. <https://doi.org/10.1177/09646639211002243>
- Cassino, D., & Besen-Cassino, Y. (2019). Race, threat and workplace sexual harassment: The dynamics of harassment in the United States, 1997–2016. *Gender, Work & Organization*, 26(9), 1221-1240. <https://doi.org/10.1111/gwao.12394>
- Cortina, L. M., & Areguin, M. A. (2021). Putting people down and pushing them out: Sexual harassment in the workplace. *Annual Review of Organizational Psychology and Organizational Behavior*, 8(1), 285-309. <https://doi.org/10.1146/annurev-orgpsych-012420-055606>
- Edelman, L. B., & Cabrera, J. (2020). Sex-based harassment and symbolic compliance. *Annual Review of Law and Social Science*, 16(1), 361-383. <https://doi.org/10.1146/annurev-lawsocsci-031820-122129>
- Fedina, L., Holmes, J. L., & Backes, B. L. (2018). Campus sexual assault: A systematic review of prevalence research from 2000 to 2015. *Trauma, violence, & abuse*, 19(1), 76-93. <https://doi.org/10.1177/1524838016631129>
- Fitzgerald, L. (2020). Unseen: the sexual harassment of low-income women in America. *Equality, Diversity and Inclusion: An International Journal*, 39(1), 5-16. <https://doi.org/10.1108/EDI-08-2019-0232>
- Gekoski, A., Gray, J. M., Adler, J. R., & Horvath, M. A. (2017). The prevalence and nature of sexual harassment and assault against women and girls on public transport: an international review. *Journal of Criminological Research, Policy and Practice*, 3(1), 3-16. <https://doi.org/10.1108/JCRPP-08-2016-0016>
- Islam, T., Raihan, T., & Uddin, M. A. (2020). Sexual harassment at workplace: a systematic review of literature. *Business Perspective Review*, 2(2), 1-14. <https://doi.org/10.38157/business-perspective-review.v2i2.128>
- MacDermott, T. (2020). The under-reporting of sexual harassment in Australian workplaces: are organisational processes falling short?. *Legal Studies*, 40(4), 531-547. <https://doi.org/10.1017/lst.2020.24>
- MacKinnon, C. A., & Siegel, R. B. (Eds.). (2008). *Directions in sexual harassment law*. Yale University Press.
- Mogapaesi, T. (2019). Sexual harassment in the workplace and women's access to justice: lessons for Botswana from a South African perspective. *Commonwealth Law Bulletin*, 45(3), 431-453. <https://doi.org/10.1080/03050718.2020.1737552>
- Phadke, S., Khan, S., & Ranade, S. (2011). *Why loiter?: Women and risk on Mumbai streets*. Penguin Books India.

- Pineiro, L. C., & Kitada, M. (2020). Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health. *Marine Policy*, 117, 103938. <https://doi.org/10.1016/j.marpol.2020.103938>
- Roscigno, V. J. (2019). Discrimination, sexual harassment, and the impact of workplace power. *Socius*, 5, 2378023119853894. <https://doi.org/10.1177/2378023119853894>
- Saleem, Q. U. A., Ali, A. F., Ashiq, M., & Rehman, S. U. (2021). Workplace harassment in university libraries: A qualitative study of female Library and Information Science (LIS) professionals in Pakistan. *The Journal of Academic Librarianship*, 47(6), 102464. <https://doi.org/10.1016/j.acalib.2021.102464>
- Sinha, A., & Bondestam, F. (2022). Moving beyond bureaucratic grey zones. Managing sexual harassment in Indian higher education. *Higher education*, 84(3), 469-485. <https://doi.org/10.1007/s10734-021-00779-4>
- Thomas, Z. (2020). Women art workers and the Arts and Crafts movement. In *Women art workers and the Arts and Crafts movement*. Manchester University Press. <https://doi.org/10.7765/9781526140449>